

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 06-cv-354-PB

General Electric Company

O R D E R

General Electric Company ("GE") has filed a "Motion for Judgment" asking me to vacate my May 21, 2009 order in light of the Supreme Court's recent decision in Burlington Northern & Santa Fe Railway Co. v. United States, 129 S. Ct. 1870 (2009).

I ruled against GE because the evidence at trial established that GE arranged for the disposal of waste Pyranol. As my order notes, GE's objective when it made its arrangement with Mr. Fletcher was to rid itself of hazardous waste by transferring it to Fletcher. This qualifies as an arrangement for disposal under Burlington because GE intended to rid itself of the waste Pyranol by intentionally using Fletcher to dispose of it.

No purpose would be achieved by holding oral argument. GE's motion for judgment (Doc. No. 131) is denied.

SO ORDERED.

/s/Paul Barbadoro

Paul Barbadoro
United States District Judge

October 28, 2009

cc: Counsel of Record